

Highway 55 revisited

In the early morning hours of Dec 20th, 1998, a convoy of Ryder rental trucks pulled up to seven abandoned residential homes near Minnehaha Park in south Minneapolis. The owners of these homes had been forced from their properties by the State of Minnesota, in order to make way for the re-route of state Highway 55 through their neighborhood. In recent months, new tenants had taken up residence in these modest clapboard houses: a rotating collection of protesters opposed to the re-route project, ranging from neighborhood activists, to members of Earth First! and the Mdewakanton Dakota tribe. This loose coalition was determined to impede the construction of the highway for as long as possible, and they used the occupation of the abandoned homes as the focal point of their civil disobedience effort.

By December, after several months of delays, the Minnesota Department of Transportation determined that construction had been postponed long enough. Outgoing governor Arne Carlson authorized a massive, multi-jurisdictional raid on the protest encampment, utilizing over 600 police officers from multiple agencies. At 4:30 AM on December 20th, the balloon went up. Dozens of squad cars encircled the block that bounded the abandoned homes, blockading a significant portion of the neighborhood. Simultaneously, seven large Ryder trucks rolled into the front yards of the houses. The doors of the trucks sprang open, and dozens of SWAT officers in kevlar body armor poured out, many sporting military assault rifles. The SWAT teams descended on the houses en masse, knocking in doors and breaking windows. In the aftermath of the raid, 34 people had been taken into custody, including many who had been beaten, or who'd had highly concentrated chemical irritants forced into their eyes.

For the Twin Cities, the Highway 55 raid opened a new chapter in police-protester relations. The aggressive SWAT tactics used that night represented a dramatic departure from the orderly arrests of Honeywell Project protesters during Tony Bouza's tenure as police chief, and they foreshadowed other dramatic clashes to come, such as those which occurred during the ISAG genetics conference two years later. The raid at the "Minnehaha Free State" encampment also showcased a momentary change in local civil disobedience tactics - from the orderly, pre-arranged arrests of the Honeywell and AlliantTech eras, to more confrontational "direct action"

lock-downs, designed to cause maximum inconvenience for law enforcement.

As Minnesota ramps up for what promises to be the largest law enforcement operation in state history next summer, it is worth looking back at the dynamics of its last large-scale police deployment - 1998's "Operation Cold Snap."

The raid

Prior to 1998, the state of Minnesota had not witnessed a police action of comparable size or scale. "Operation Cold Snap" was a multi-jurisdictional effort, utilizing officers from several law enforcement agencies. According to the House of Representatives' magazine *Session Weekly*, the State Patrol fielded 225 troopers, while the city of Minneapolis provided 431 officers. The Hennepin County Sheriff's office also tasked a number of its investigators to raid-related duties.

In the run-up to the raid, police gathered in the hangars of the 133rd Airlift Wing at the nearby Air National Guard base, which functioned as the staging area for the operation. Scores of squad cars idled in the cold night air, their running lights barely visible through a thick haze of exhaust fumes. This was an unusual spectacle so early in the morning, and it was clearly visible from Highway 62, which alerted protesters to the impending police action. Minneapolis resident Henry Fieldseth was present at the protest encampment that night, and he described the scene to me in a 1999 interview:

"I arrived a little bit after midnight and everything was pretty quiet there. It was kind of surprisingly quiet ... Around 3 o'clock in the morning someone drove up and said, "I was just at the airport. I counted 53 state patrol cars lined up at the airport." And so that got people moving a little more and that kind of broke the calmness and quietness just a little bit."

Across the encampment, activists began hurried preparations. Earth First! members and others began the laborious process of "locking down" - literally chaining themselves to items in the homes, so that they could not be dragged away from the site without considerable effort. A protester known as Joe Hill locked himself to a tall metal tripod that had been erected in the front yard of one of the homes. Hill secured himself to the tripod framework by means of a bike U-lock around his neck, so that in the event

that the tripod was tipped over, he faced the possibility of serious injury or death.

In addition to those who were engaged in lock-down tactics, the Free State encampment was populated by others who had come simply to observe, or to support friends involved in the protest action. Henry Fieldseth was among these people, and he had climbed onto the roof of the house closest to Joe Hill's tripod, in order to keep watch. Fieldseth mounted the roof at roughly 3:00 AM, and waited for the arrival of the police:

"About the time that I climbed up on the roof, it started to snow - just a very light, gentle snow. We had about an hour of just sitting there and it got really quiet again and there was a gentle coat of snow ... And I was just sitting there watching the snow and trying to figure out how this - what was going to happen. And I have been a protester for a number of years. I was arrested many times at Honeywell and so I've been in protests and civil disobedience things and so I had some idea of how these things come down. But I was not at all prepared for what did happen."

At 4:35 AM, a convoy of police vehicles arrived from the nearby air base. Squad cars parked bumper to bumper around the entire block, and a cordon of uniformed Minneapolis police filled in the gaps behind the seven homes. At the same time, a single Ryder rental truck lumbered down the street toward the encampment. From his vantage point on the roof, Henry Fieldseth could see it approaching:

"I was kind of surprised to see this yellow Ryder truck coming. It was like part of my mind was thinking, "Who'd be moving at this time of day?" It just didn't fit. It didn't take me long, however, to realize the Ryder truck coming down the street didn't have its lights on. And it wasn't the first. There were several Ryder trucks in a row, and that this was the - this was the police coming. And they backed a Ryder truck up to the front of the building. There were seven Ryder trucks - one went to each building ... and the garage door kind of thing on the back of the Ryder truck just shot up really fast. And soldiers exploded out of that truck - like as fast as you can imagine them coming out. My understanding was there were 30 soldiers in each of those trucks ... They were all dressed in black and they had helmets on and they had assault rifles and they had flashlights and they just poured out of those trucks.

And it wasn't like they poured out of those trucks and then wondered what to do - they all had very clear ideas. Some of them, it was clearly their role to smash whoever was on the ground. Anybody who was standing on the ground was tackled and smashed. Other people just ran past me, past the houses. They knew ahead of time where they were going. They ran in beelines directly to where people were locked down. They started breaking windows. I didn't understand at the beginning what the breaking windows was about, but they were throwing tear-gas into the basements where people were locked down ... And it was very, very hard to watch all this from the roof because I was disconnected from it. And yet I was very aware of the violence that was happening just below me. And as I was on the roof, the police pretty much ignored me. They couldn't get up to where I was. They had plenty to keep them busy on the ground and in the houses. And amongst themselves, the police were saying things like, "A cherry-picker's coming for them. Don't worry about them."

Many protesters and observers on the ground - including freelance photographer Dick Bancroft - were arrested without first being provided a chance to disperse. Others were knocked to the ground by SWAT tactical police as they charged toward their positions. Inside the homes, tear gas grenades forced several Earth First activists to leave their lock-downs. These activists were then seized by police as they left the buildings. A protester called Aspen later related the details at a public meeting at Walker Church in Minneapolis:

"Once I came out, I was thrown to the ground and handcuffed. After I was handcuffed, I was kicked, punched and pepper-sprayed extremely bad. I had a knee on my neck, and two fingers gouging my eyes - keeping my eyes open while they filled my eyes with pepper spray."

SWAT teams not only entered the abandoned homes to dislodge protesters, but police also proceeded to demolish the tents and teepees that had been erected by members of the Mdewakanton Dakota tribe. Many of the remnants were burned later that day as state work crews demolished the stand of abandoned homes. This action was captured on video a few hours after the raid, close in time to when Governor Carlson and Minneapolis mayor Sharon Sayles-Belton visited the site for a post-raid debriefing.

After clearing the home interiors, police then concentrated on removing protesters and observers from the house roofs - including Henry Fieldseth:

"They got a ladder and two of them climbed up on the roof where I was. The first one up on the roof asked me if I was locked down. And I said "No," and he asked me what I was doing. And I said I was being a witness for my friend Joe on the tripod. And he says, "Are you going to come down now?" And I said, "no." And then he pulled my glasses and my hat to the back of my head and holds a small canister - aerosol can - just a few inches away from my face and pushes the button, starts to spray. I closed my eyes tightly. He didn't like that. I closed my eyes tightly. Then he holds my eyes open one at a time and puts a direct spray into each of them. And after that point I was blind.

They, of course, want me to get off the roof in my newly blinded condition. And in response to that I went limp. And there were 2-by-4s nailed at about 3 foot intervals down the roof, as footholds for someone climbing up or down the roof ... and I was pretty gruffly shoved from one 2-by-4 to the next. The whole time they were spraying more mace in my face, in my nose and in my mouth ... It burned in my eyes like red pepper would. They used a lot of it. But it was in this liquid, and the liquid had some kind of carrier that smelled like petroleum distillate, which I know to be a very toxic thing. They were spraying that in my nose and in my mouth - it was really quite ugly."

This aerosol substance was pepper spray, which would become widely used by police departments across the nation to compel compliance from resistant protesters. Pepper spray, for instance, constituted a large part of the police arsenal deployed against WTO protesters in Seattle one year later.

Toward the end of the raid, tactical police used jets of pepper spray to force Joe Hill to leave his precarious, locked-down position in the tripod. When that failed to work, several officers surrounded the tripod and began to shake it. In a 1999 interview, Joe Hill recalled shouting to the police:

" 'Don't do that. You'll kill me. Are you ready to kill me so you can build a road?' One cop shouted back up at me, 'I don't care. I don't care. Are you ready to die?' "

Cooler heads, it seemed, prevailed among the police gathered at Hill's lock-down. He was eventually removed from the tripod by means of a cherry-picker, and was then taken into custody.

Faulty assumptions, faulty intelligence

The massive December raid resulted in a variety of misdemeanor charges being filed against the protesters, most of which were eventually dismissed. "Operation Cold Snap" ultimately cost taxpayers over 370 thousand dollars, and Hennepin County officials spent months attempting to get the state to reimburse them for costs incurred. All of this begged some obvious questions: Was an action of such size and scale really necessary? And why were such aggressive tactics utilized against non-violent demonstrators?

Several justifications were floated in the raid's aftermath. Twin Cities media widely reported that police were concerned about a gas main leak caused by protesters, although local officials provided scant evidence to support this claim. The presence of Earth First! activists at the site may also have prompted police to respond in the fashion they did, given the organization's past reputation for dangerous, confrontational tactics. On the west coast, Earth First! initially achieved notoriety by advocating "tree spiking" and other types of so-called "eco-sabotage" in its written publications. Such tactics were later publicly disavowed by Earth First! leaders like Judy Bari, but the reputation has nonetheless remained - particularly among law enforcement agencies.

On some level, it appears that the raid's tactics were the product of faulty intelligence. This was intimated to me in a 2004 conversation with Medaria Arradondo, then a sergeant with the Minneapolis police department. Arradondo, who did not participate in the 1998 raid, told me that the department was concerned about intelligence reports it had received which indicated that weapons were being stored at the protest site. These reports, he said, drove the subsequent tactical approach. This squares with tales told by witnesses and protesters immediately after the raid. At a post-raid public meeting at Walker Church, some protesters noted that during the course of the raid, police repeatedly shouted, "Where are the booby traps? Where are the weapons?" By the end of the operation, however, no weapons had been found or recovered.

Events of recent years have demonstrated the dangers of mixing poor police intelligence with dynamic SWAT tactics. In 2002, the NYPD conducted a no-knock entry into the home of Brooklyn resident Alberta Spruill. Police armed with fully automatic weapons kicked down Spruill's front door, and threw flash-bang grenades into her apartment. Spruill, it was quickly discovered, was not the subject of the arrest warrant. The shock of the

entry operation, however, sent Spruill into cardiac arrest, and she died en route to a nearby hospital. It was later revealed that the information which formed the basis for the raid had been provided by an unreliable informant. In 2003, I had occasion to interview a Eugene, Oregon couple whose home had been raided by a multi-jurisdictional task force complete with an armored personnel carrier firing concussion grenades. Just after dawn, Tam Davich and Marcella Monroe were forced from their bed at gunpoint, and masked SWAT police jammed a black "spit-hood" over Marcella's head. Narcotics detectives spent hours tearing their house apart in a search for a marijuana grow operation. However, the grow operation was never found, because it did not exist. Despite the lack of evidence, Davich and Monroe were both cited with multiple drug-related felonies, although these charges were subsequently dropped. Eugene attorney Lauren Reagan, who examined the search warrant affidavit submitted by the police, found it riddled with falsehoods and inaccuracies. Notably, the affidavit contained references to a non-existent video monitoring system, whose alleged presence was used to justify the dynamic entry tactics employed by police.

Questions for the future

"Operation Cold Snap" occurred within the context of a growing culture of police paramilitarism. SWAT tactics, once reserved for exigent, highly charged situations like hostage crises, have spread to many other areas of American policing, including warrant service and beat patrol. In some jurisdictions, tactical police have also been tasked to protest management duties. This growth in tactical applications has been extensively documented by Peter Kraska, a criminal justice professor at Eastern Kentucky University. In a 2002 interview, Kraska told me that once a SWAT team is formed within a department:

"They have to find some way to justify the resources allocated for these teams ... and the most readily available application they're going to find is not a barricaded suspect situation. Even in a large city that may only come up once or twice a year. The most common applications would be patrol work or no-knock contraband raids."

Kraska also noted that demonstration management had become a recent focus of SWAT activity:

"As civil disturbance situations come up, it's the SWAT teams that respond first, because they're the use-of-force specialists. They're the ones who can

go in as a spearhead unit. In fact, I worked with a department where their chief of police very much saw them in that capacity."

The prospects for a tactical response to RNC week protests by Twin Cities law enforcement agencies are mixed. On one hand, the Saint Paul police department has been explicit about its intention to refrain from tactics that have raised controversy and ire elsewhere in the country. At an October forum at the University of Saint Thomas, Assistant Chief Matt Bostrom noted that the Saint Paul police department would eschew "protest pens" surrounded by cordons of riot police. Likewise, in a recent *MinnPost* interview with Doug Grow, Bostrom said,

"Police will be in uniform, not war-like tactical gear ... as soon as officers put on that gear, they're not human anymore. It's much easier to throw a rock at someone who isn't human than an officer in uniform."

In Minneapolis, where some RNC events will be held, the calculus could be much different. The Minneapolis department has demonstrated a greater propensity for using its SWAT assets - both in the context of protest events, and in overall call-outs. Tactical police were used extensively during the 2000 ISAG genetics protest, as well as during late-night arrests of ISAG participants that occurred after the protest was finished.

On another front, uniformed Minneapolis police were recently involved in a heated confrontation with Critical Mass bike riders this past summer, which resulted in accusations of excessive force and indiscriminate arrests. Many local observers have noted that the August Critical Mass episode may foreshadow the dynamics of next summer's Minneapolis-based RNC events. Such an environment could easily produce the tactical outcomes seen during the ISAG conference, or at the Highway 55 raid.

The size of the RNC event, coupled with the potential for protest-related disruptions and pressure from federal agencies, may prove to be a highly potent mix for police departments on both sides of the river. The key to balancing these factors without veering into police over-reaction lies in the use of measured, targeted tactics, says former Minneapolis chief Tony Bouza. During a large scale event like the WTO protest,

"You have to make a distinction," Bouza notes, "And target those individuals (lawbreakers) for arrest. And what has happened is that there is

the mistake of treating all demonstrators equally."

Or, as Christiane Walker of the Washington State ACLU told me in a post-WTO interview:

"One of the most important things to keep in mind when you're talking about police activity in any kind of civil disturbance or demonstration - or any kind of police activity really - is that the police response needs to be proportionate to the threat, proportionate to the situation."

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